

IN RE: DEVELOPMENT PLAN AND * BEFORE THE
 PETITION FOR SPECIAL HEARING
 S/S of Timonium Road, W of * HEARING OFFICER/ZONING
 Jennifer Road
 Project: Hambleton/Symington * COMMISSIONER
 8th Election District
 3rd Councilmanic District * FOR BALTIMORE COUNTY
 Legal Owner: Est. of Martha Symington
 Contract Purchaser: Hambleton * Case Nos.VIII-690 & 99-18-SPH
 LLC, Petitioner/Developer

* * * * *

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN AND ORDER

These matters come before the Zoning Commissioner/Hearing Officer as a combined public hearing for consideration of the development plan prepared by Daft-McCune-Walker, Inc. (land planners, landscape architects, engineers, surveyors and environmental professionals) for the site known as the Hambleton/Symington property, located in Timonium in north central Baltimore County. The property is proposed for development by Gaylord Investment Company, Inc., as General Manager of Hambleton LLC. In addition to the development plan approval, the matter comes before me for consideration of zoning relief; specifically, a Petition for Special Hearing. The Petition seeks approval to create and transfer 8 non-density parcels (shown on the plan as parcels A thru H) within the R.C.5 zoned portion of the property. The subject property and requested relief are more particularly shown on Developer's Exhibit No. 1, the red lined development plan.

Appearing at the requisite public hearing were Steve Smith, Mark Buda, and James Keelty on behalf of the Developer. Also present were Ed Haile and Charles Main from Daft-McCune-Walker, Inc. The Developer was represented by Robert A. Hoffman, Esquire.

A large number of citizens from the surrounding community also appeared. Many of those citizens support the plan, while others appeared in opposition. Among those testifying in support of the plan was Harold H.

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Date

By

9/18/98
 J. Chavak

Burns, Esquire on behalf of The Falls Road Community Association. John Marquardt, Lisa Marquardt and Mordecai B. Blaustein, M.D., testified in opposition.

Also appearing at the hearing were representatives of the various Baltimore County agencies which evaluated the project. They included Don Rascoe, the Project Manager, Bob Bowling from Development Plans Review, and Kate Milton, all within the Dept. of Permits and Development Management (PDM), Colleen Kelly, from the Bureau of Land Acquisition, Bruce Seeley, from the Department of Environmental Protection and Resource Management (DEPRM), and Lyn Lanham from the Office of Planning.

Pursuant to the development review regulations of Baltimore County as codified in the Baltimore County Code, the Zoning Commissioner/Hearing Officer is required to conduct a public hearing to review the merits of the development plan and determine if same is in compliance with all standards, regulations and policies promulgated by Baltimore County. The Hearing Officer's hearing and his written decision constitutes the culmination of Phase I of the development plan review process. As was requested in this case, that process permits the Hearing Officer to combine the Hearing Officer's development plan hearing and a public hearing to consider the requested zoning relief. (See Section 26-206.1 of the Baltimore County Code)

Phase 1 of the development review process in Baltimore County commences with the Developer's initial filing of a Concept Plan. As the name suggests, the Concept Plan is a schematic representation of the proposal. It is indeed the Developer's initial filing with Baltimore County and provides the County's agencies with their first opportunity to review a proposed project. In this case, a concept plan was filed on April 14, 1997. Thereafter the development review regulations require a Community

Input Meeting. This meeting is to be held in the community affected by the proposed development during the evening hours; to provide neighbors with an opportunity to review and comment on the proposed plan. In this case, a Community Input Meeting was conducted on May 22, 1997 at the Pinewood Elementary School. Thereafter, the Developer assembles the information gathered at the Concept Plan Meeting and Community Input Meeting and refines its proposal. A development plan is subsequently submitted to Baltimore County for additional review and study. In this case, the development plan was submitted and a conference held therein on August 12, 1998. If necessary, additional amendment to the plan is made and ultimately the matter is scheduled for disposition before the Hearing Officer/Zoning Commissioner. Under the Code, the Zoning Commissioner/Hearing Officer is to determine whether the plan complies with all requirements for development in Baltimore County. If so, the plan is approved and the Developer may proceed to Phase 2 of the review process. That phase will ultimately lead to the issuance of the necessary permits for construction and actual development of the site.

Section 26-206 of the Baltimore County Code specifically sets out the Hearing Officer's responsibilities at the Hearing Officer's hearing. The Hearing Officer is required to determine if any comment and/or proposed or requested condition is unresolved. If there are any open issues, the Hearing Officer shall entertain testimony and evidence as he may deem necessary on the issues presented. Approval shall be granted if a plan complies with all applicable regulations, policies and rules as codified in the development review process.

In this case, the Developer submitted an amended red lined plan at the hearing which fully depicts the project. In essence, that plan shows that the property at issue is a large irregularly shaped tract, approxi-

imately 90.58 acres in area. The property is located immediately adjacent to the intersection of Timonium Road and Jennifer Road in Timonium. The site is presently split zoned. That is, 21.18 acres of the property is zoned R.C.5, 12.10 acres is zoned D.R.1, 55.42 acres is zoned D.R.2 and 3.86 acres is D.R.3.5. Collectively, under these zoning classifications, the property could be developed with 145 dwellings. However, Ed Haile, the engineer from Daft-McDune-Walker who supervised the development of the plan, testified that 97 units are proposed. He indicated that the project was "under density" due to the Developer's desire to produce a quality development and due to the numerous site constraints (e.g., steep slopes, streams, areas of forest, etc.) associated with this property.

In regards to identifying any open issues or unresolved comments, the Developer's counsel proffered that there were no outstanding issues and that all regulations, policies and rules pertaining to development in Baltimore County had been resolved. In this regard, he also commented on the extensive negotiations which had taken place between the Developer and several community groups and individuals who reside in the vicinity. The Developer offered three exhibits and requested that they be incorporated in any approval of the plan. These include an agreement between Gaylord Brooks Realty Company, Inc. (as Developer) and The Falls Road Community Association, Inc. and Hillside at Seminary Community Association, Inc., dated April 15, 1998. A review of that agreement (Developer's Exhibit No. 2) shows that individual neighbors within those community associations also participated in the agreement. The second agreement is between a series of individuals who reside on Hickory Knoll Court and The Gaylord Brooks Realty Company, Inc. (Developer's Exhibit No. 3). Lastly, the Developer offered a document entitled, "Amended and Restated Restrictive Covenant Agreement" which was received as Developer's Exhibit No. 4. That

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document is by and between the property owner, the Developer and numerous individuals and community groups within the area and sets out in significant detail the agreements and conditions reached by the parties. In that it is clear that the development review regulations encourage community participation and communication between the Developer and neighborhood, I applaud all parties for their obvious hard work and good faith efforts to reach an agreement on the many issues generated by this development. These agreements reflect the fact that the community organizations and individuals who are a party thereto recognize that any property owner in Baltimore County is entitled to use and develop its property in a lawful manner. That is, the property owner of this site is not required to maintain the property in its unimproved condition for the public good or to serve any public interest. Rather, the property owner may develop the property in any manner that it sees fit, for so long as the development is in accordance with the standards and policies promulgated by Baltimore County and that the development does not cause a unique detriment to adjacent properties in the area. The agreement also reflects that this Developer is sensitive to the concerns of the neighbors and has endeavored to produce a development plan which addresses and satisfies those concerns. The fact that the project is under density indicates that the Developer has not attempted to shoe horn the maximum number of units which might otherwise be developed. Additionally, the large areas of undisturbed open space and forest conservation areas are persuasive to a finding that the Developer has attempted to retain as much of the existing environment as is possible and practical.

Nonetheless, not all individuals present at the Hearing Officer's hearing support the project. Testimony was received from a number of the

Protestants identified above that the project was improper and should be denied.

A chief area of concern is the forested nature of the existing property and the allegation that this forest will be destroyed or otherwise adversely impacted by the development. Certainly, it is true that the development on the site will turn certain virgin acreage into areas of streets, homesites, etc. That much is clear. However, this mere fact does not mean that the project cannot be approved. If such a standard were employed, there would be no new development in Baltimore County, in that all existing topography and conditions need be retained. The County Council has not enacted such a moratorium.

Baltimore County has enacted Forest Conservation Standards and Regulations in accordance with State legislation. In this regard, the Developer has submitted a Forest Conservation Plan. That plan shows areas where the forest will remain undisturbed. The Department of Environmental Protection and Resource Management (DEPRM) is authorized under law to review the Forest Conservation Plan and must approve same in order for the development to proceed. In this regard, the development plan written comment from DEPRM indicates that the plan is appropriate and complies with all laws.

Some of the objecting neighbors may wish a moratorium on development of forested areas in Baltimore County. If this course is pursued, it must be done legislatively. If the Baltimore County Council determines that there should be no development in forested areas, a moratorium should be enacted legislatively. However, for so long as the existing standards and policies are in place, the Hearing Officer is required to apply those criteria. In this case, a find no evidence that the plan is contrary to

ORDER RECEIVED FOR FILING

Date

By

any governmental regulation, policy or rule which would warrant a denial of the plan.

Similar concerns were also expressed regarding potential environmental degradation, water drainage and run off from the site. However, limited specifics were offered by the opponents regarding these issues. Again, it appears that the opponents would prefer a moratorium and prohibition of any development on this site. In my judgment, a review of the plan as well as the comments from the reviewing agencies of the County is persuasive to a finding that the plan is in compliance with all standards and policies. Surely, the Developer could limit the number of lots and construct 10 dwellings, 20 dwellings or 30 dwellings on the site. To the contrary, from the Developer's standpoint, the plan could show 100 house sites, 110 house sites or 120 house sites on the property. The proposed plan, with 97 units, appears to be an appropriate balance. I will not deny the plan based on the opponents concerns in this regard.

In sum, I find that the plan meets all of the requirements set out in Section 26-206 of the Code. In my judgment, the plan meets all applicable County regulations, policies and rules. I applaud the Developer and many members of the community who have worked so diligently to reach what appears to be an appropriate resolution of the issues between them and produce a development plan which will be an asset to the vicinity at large. In my judgment, under law, the plan must and should be approved. Moreover, I find no factors which warrant the imposition on conditions of approval.

Turning to the zoning relief, the Developer has apparently agreed to convey certain non-density lots to several property owners who reside on Hickory Knoll Court. The conveyance of these lots will allow those property owners to increase their land holdings and provide larger rear yards

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Date 9/18/98
By J. Morak

and guarantees of undisturbed area to the rear of their house sites. There is no residential density being transferred in association with this conveyance. That is, the Developer is not conveying any rights of subdivision to these property owners and the property owners cannot use the additional acreage acquired in order to subdivide or otherwise increase the residential development attributable to their individual lots. I find that the proposed special hearing relief is appropriate and will, obviously, not cause any detrimental impact to the surrounding area. Thus, the relief requested within the Petition for Special Hearing shall be granted.

Pursuant to the development regulations of Baltimore County, as contained within Subtitle 26 of the Baltimore County Code, the advertising of the property and the public hearing thereon, I will approve the development plan consistent with the comments set forth above and shall so order; and the Petition for Special Hearing shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of September 1998 that the development plan submitted in the within case as Developer/Petitioner's Exhibit No. 1, be and is hereby APPROVED in accordance with the terms and conditions as set forth herein; and,

IT IS FURTHER ORDERED that, pursuant to the Petition for Special Hearing, approval to create and transfer eight non-density parcels within the R.C.5 zone (parcels A thru H), be and is hereby GRANTED, subject to the following restriction:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.; and,

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9/18/98
Date
By

IT IS FURTHER ORDERED that the Developer shall prepare and submit to Permits and Development Management (PDM), within 10 days from the date of this Order, a development plan which reflects and incorporates the terms, conditions, and restrictions of this opinion and Order and/or the development plan comments; and,

IT IS FURTHER ORDERED that Developer's Exhibits 2, 3 and 4 are hereby incorporated as conditions precedent to the approval of the plan authorized herein.

Any appeal from this decision must be taken in accordance with Section 26-209 of the Baltimore County Code and the applicable provisions of law.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm

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Date

By



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

September 17, 1998

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, Maryland 21204

RE: Development Plan Order
Case Nos. VIII-690 & 99-18-SPH
Project: Hambleton/Symington property
Gaylord Investment Co., Developers/Petitioner

Dear Mr. Hoffman:

Enclosed please find the decision rendered in the above captioned case. The Hearing Officer's Development Plan Order and Petition for Special Hearing have been approved.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmm

att.

- c: Messrs. Steve Smith, Mark Buda and James Keelty
P.O. Box 528
Timonium, Maryland 21094
- c: Messrs Ed Haile and Charles Main
Daft-McCune-Walker
200 E. Pennsylvania Avenue
Towson, Maryland 21286
- c: Mr. and Mrs. John Marquardt
13 Hickory Knoll Court
Timonium, Maryland 21093
- c: Mordecai P. Blaustein, M.D.
8741 Marburg Manor Drive
Timonium, Md. 21093
- c: Don Rascoe, Project Manager, Office of Permits and Dev. Mge.
- c: Various County Agencies





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at South Side of Timonium Road
West of Jennifer Road
which is presently zoned RC-5

This Petition shall be filed with the Department of Permits & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made part of hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

A Special Hearing to create and transfer eight non-density parcels within the RC-5 zone (Parcels A through H).

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Hambleton LLC

Gaylord Brooks Investment Co., Inc., Gen'l Mgr.

By:

Signature **Richard A. Moore, President**

3312 Paper Mill Road, P.O. Box 400

Address

Phoenix

City

MD

State

21131

Zipcode

Attorney for Petitioner:

Robert A. Hoffman

Venable, Baetjer and Howard, LLP

(Type or Print Name)

Signature for file (for Robert A. Hoffman, Esq.)

210 Allegheny Ave.

Address

(410) 494-6200

Phone No

Towson

City

MD

State

21204

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

(Type or Print Name)

See Attached

By:

Signature

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman

Venable, Baetjer and Howard, LLP

Name

210 Allegheny Ave, Towson, MD 21204

Address

(410) 494-6200

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

TOIDOC51/RMC99/0066360.01

DROP-OFF
NO REVIEW
7/10/98 uc

99-18-SPH

Legal Owners

Estate of Martha Symington

By: Thomas D. Washburne

Signature: Thomas D. Washburne, Personal Representative
Ober, Kaler, Grimes & Shriver
120 E. Baltimore Street
Baltimore, MD 21202-1643

T. Edward Hambleton

By: T. Edward Hambleton

Signature: T. Edward Hambleton
P.O. Box 25
Timonium, MD 21094

~~MERRILL H. HAMBLETON~~
~~Caroline Lucinda Hoystraft Hambleton~~

By: Merrill H. Hambleton

Signature: ~~Caroline Lucinda Hoystraft Hambleton~~
P.O. Box 25 MERRILL H. HAMBLETON
Timonium, MD 21094

Legal Owners

Estate of Martha Symington

By: Th - D. Washburne *Per Rep*

Signature: Thomas D. Washburne, Personal Representative

Ober, Kaler, Grimes & Shriver

120 E. Baltimore Street

Baltimore, MD 21202-1643

(410) 685-1120

T. Edward Hambleton^{Jr.} and Caroline Lucinda Hoysradt Hambleton

By: T. Edward Hambleton

Signature: T. Edward Hambleton

P.O. Box 25

Timonium, MD 21094

(410) 252-2233

~~MERRILL H. Hambleton~~
~~Caroline Lucinda Hoysradt Hambleton~~

By: Merrill H. Hambleton

Signature: ~~Caroline Lucinda Hoysradt Hambleton~~

P.O. Box 25

Timonium, MD 21094

(410) 252-2233

Thomas D. Washburne is the personal representative for the Estate of Martha Symington and is signing the petition in that capacity on the following parcels: 4972/322, 4173/314, and 1663/374.

Caroline Lucinda Hoysradt Hambleton is deceased, and therefore T. Edward Hambleton has signed the petition on the following parcel: 1342/474.

Description

To Accompany Petition for Special Hearing

90.48 Acre Parcel

Hambleton Symington Property

South Side Timonium Road

West of Jenifer Road

Eighth Election District, Baltimore County, Maryland



Daft McCune Walker, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21286

410 296 3333

Fax 296 4705

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

Environmental Professionals

Beginning for the same, in the centerline of Timonium Road at a point distant 119 feet, more or less, as measured northeasterly along said centerline from its intersection with the centerline of Jenifer Road, thence leaving said centerline and running the twenty-two following courses and distances, viz: (1) South 02 degrees 29 minutes 01 second East 616.44 feet, thence (2) South 07 degrees 58 minutes 15 seconds East 185.63 feet, thence (3) South 02 degrees 13 minutes 15 seconds East 125.70 feet, thence (4) South 69 degrees 08 minutes 15 seconds East 56.44 feet, thence (5) South 33 degrees 12 minutes 15 seconds East 159.00 feet, thence (6) South 16 degrees 30 minutes 15 seconds East 272.00 feet, thence (7) South 01 degree 26 minutes 15 seconds East 378.66 feet, thence (8) South 87 degrees 31 minutes 45 seconds West 546.88 feet, thence (9) South 31 degrees 23 minutes 34 seconds West 840.30 feet, thence (10) South 31 degrees 18 minutes 57 seconds West 97.47 feet, thence (11) North 58 degrees 35 minutes 48 seconds West 120.90 feet, thence (12) North 21 degrees 06 minutes 39 seconds West 330.58 feet, thence (13) North 33 degrees 57 minutes 41 seconds West 435.01 feet, thence (14) South 80 degrees 32 minutes 19 seconds West 375.25 feet, thence (15) South 82 degrees 40 minutes 31 seconds West 271.35 feet, thence (16) North 85 degrees 44 minutes 42 seconds West 307.58 feet, thence (17) North 04 degrees 03 minutes 04 seconds East 171.27 feet, thence (18) North 38 degrees 55 minutes

99-18-SPH

46 seconds West 323.39 feet, thence (19) North 80 degrees 39 minutes 30 seconds East 474.69 feet, thence (20) North 29 degrees 47 minutes 42 seconds West 341.81 feet, thence (21) North 13 degrees 37 minutes 57 seconds West 276.73 feet, and thence (22) North 08 degrees 29 minutes 42 seconds West 364.59 feet to intersect the south side of Timonium Road, thence binding on said south side of Timonium Road, (23) North 78 degrees 09 minutes 04 seconds East 154.54 feet, thence leaving said south side of Timonium Road (24) North 11 degrees 00 minutes 37 seconds West 33.56 feet to intersect the centerline of Timonium Road, thence binding on said centerline of Timonium Road, the seven following courses and distances, viz: (25) North 78 degrees 59 minutes 23 seconds East 515.24 feet, thence (26) North 84 degrees 28 minutes 57 seconds East 82.84 feet, thence (27) North 83 degrees 51 minutes 16 seconds East 660.00 feet, thence (28) North 72 degrees 09 minutes 18 seconds East 231.00 feet, thence (29) North 74 degrees 13 minutes 37 seconds East 347.18 feet, thence (30) North 75 degrees 24 minutes 29 seconds East 150.00 feet, and thence (31) North 81 degrees 23 minutes 26 seconds East 86.31 feet to the point of beginning; containing 90.48 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

July 6, 1998

Project No. 93104.D (L93104.D)



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 055890

DATE 7/10/98 ACCOUNT 001-6150

AMOUNT \$ 250.00 (WCR)

RECEIVED FROM: Venable, Baetjer & Howard

FOR: SPECIAL HEARING - COMMERCIAL
Jenifer Road

DROP-OFF — NO REVIEW Item #18 Case #99-18-SPH

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCEEDS ACTUAL TIME
7/14/1998 7/14/1998 11:25:46

REG #803 CASHIER PUES PEW DAWNER 3

5 MISCELLANEOUS CASH RECEIPT

Receipt # 050682 OFLN
CR NO. 055890

250.00 CHECK: FN

Baltimore County, Maryland

CASHIER'S VALIDATION

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #98-18-SPH
S/S Timonium Road, opposite
Jennifer Road
8th Election District
3rd Councilmanic District
Legal Owner(s):

Estate of Martha Symington
& T. Edward Hambleton
& Merrell H. Hambleton
Contract Purchaser:
Hambleton LLC

Special Hearing: to create
and transfer 8 non-density
parcels within the R.C.-5 zone
(Parcels A through H).

Hearing: Friday, September
4, 1998 at 9:00 a.m., in
Room 106, County Office
Bldg., 111 W. Chesapeake
Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Call (410) 887-3353.

(2) For information concern-
ing the File and/or Hearing,
Please Call (410) 887-3391.

8/284 Aug. 20 c252071

CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/20/, 1998

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on 8/20/, 1998.

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____

Format for Sign Printing, Black Letters on White Background:

ITEM 18

ZONING NOTICE

Case No.: 99-18-SPH

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: SPECIAL HEARING TO CREATE AND
TRANSFER 8 NON-DENSITY PARCELS
WITHIN THE R.C.-5 ZONE (PARCELS
A THROUGH H).

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY
August 20, 1998 Issue - Jeffersonian

Please forward billing to:

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, MD 21204

410-494-6200

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-18-SPH

S/S Timonium Road, opposite Jenifer Road

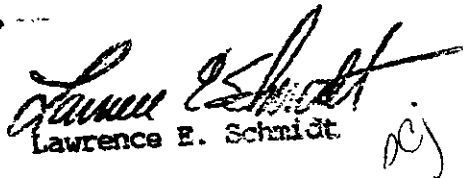
8th Election District - 3rd Councilmanic District

Legal Owner: Estate of Martha Symington & T. Edward Hambleton & Merrell H. Hambleton

Contract Purchaser: Hambleton LLC

Special Hearing to create and transfer 8 non-density parcels within the R.C.-5 zone (Parcels A through H).

HEARING: Friday, September 4, 1998 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 23, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

HEARING OFFICER HEARING

PROJECT NAME: Hambleton Symington Property

Project Number: 8-690

Location: S/S Timonium Road, E of Mays Chapel Road

Acres: 90.58

Developer: Hambleton L.L.C., c/o Gaylord Brooks Realty Company

Engineer: Daft-McCune-Walker, Inc.

Proposal: 78 SFD's (detached); 16 SFD's (attached)

***** AND *****

CASE NUMBER: 98-18-SPH

S/S Timonium Road, opposite Jenifer Road

8th Election District - 3rd Councilmanic District

Legal Owner: Estate of Martha Symington & T. Edward Hambleton & Merrell H. Hambleton

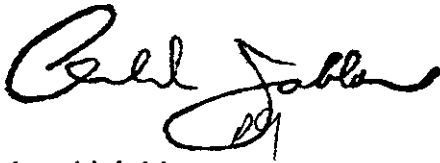
Contract Purchaser: Hambleton LLC

Special Hearing to create and transfer 8 non-density parcels within the R.C.-5 zone (Parcels A through H).



HEARING NOTICE
CASE NO. 99-18-SPH & HAMBLETON SYMINGTON PROPERTY
PAGE 2

HEARING: Friday, September 4, 1998 at 9:00 a.m. in Room 106, County Office
Building, 111 West Chesapeake Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon". The signature is fluid and cursive, with a large initial "A" and a stylized "J".

Arnold Jablon
Director

c: Robert A. Hoffman, Esquire
Estate of Martha Symington
T. Edward Hambleton
Merrell H. Hambleton
Hambleton LLC

- NOTES:
- (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY AUGUST 20, 1998.**
 - (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
 - (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.

Due Date: July 27, 1998

TO: Arnold Jablon

FROM: R. Bruce Seeley *RBS/jd*

SUBJECT: Zoning Item #18

Hambleton-Symington - Timonium & Jennifer Roads

Zoning Advisory Committee Meeting of July 20, 1998

----- The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

----- The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

X Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

----- Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

July 27, 1998

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF JULY 20, 1998

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

018, 012, 013, 014, 015, AND 016

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F
cc: File





Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 7.17.98
Item No. 018 WCR

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

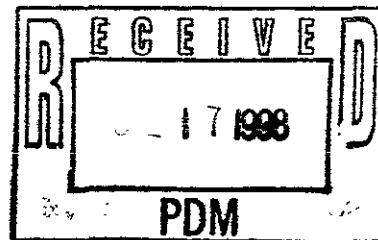
Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG



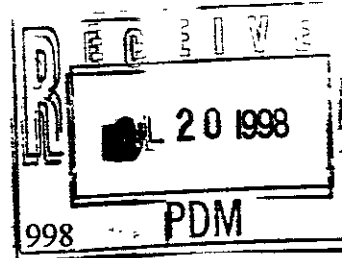
My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE



TO: Arnold Jablon, Director
Department of Permits
and Development Management

DATE: July 17, 1998

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item Nos. 13, 14, and 18

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3480.

Section Chief:

AFK/JL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: July 31, 1998

FROM: *RWB* Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for July 27, 1998
Item Nos. 011, 012, 013, 014, 015,
016, 017, and 018

Case Number 98-473-X (7501 Oakleigh Road

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

RE: PETITION FOR SPECIAL HEARING
Timonium Road, S/S of Timonium Road, W of
Jennifer Road, 8th Election District,
3rd Councilmanic

Legal Owners: Estate of Martha Symington
Contract Purchaser: Hambleton LLC

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-18-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of July, 1998, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, P.O. Box 5517, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 10, 1998

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, MD 21204

RE: Drop-Off Petition (Item #18)
S/S Timonium Rd., opp. Jenifer Rd.
8th Election District

Dear Mr. Hoffman:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. Once a detailed review has been completed by the staff, those comments will be forwarded to you (hopefully before the hearing).

As Baltimore County is no longer responsible for posting properties, I have enclosed the proper form pertaining to this. The sign must contain the wording indicated on the "Zoning Notice" form and the certificate of posting must be completed by the poster and returned to this office.

If you have any questions regarding the sign posting, please do not hesitate to contact Sophia Jennings at 410-887-3391.

Very truly yours,

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

Enclosures



99-18-SPH



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 24, 1998

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: Drop-Off Petition Review (Item #18)
S/S Timonium Road, W of Jennifer Road
8th Election District

Dear Mr. Hoffman:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed no unaddressed zoning issues and/or incomplete information. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,


Catherine A. Milton
Planner II
Zoning Review

CAM:rye

Enclosure (receipt)

c: Zoning Commissioner



The zoning petition plan has not been reviewed and there are no known zoning violations on the property.

Ron Litz
(for Robert A. Hoffman,
Venable, Baetjer + Howard, LLP)

Please set hearing with HOH
and give Item # to Chris Rorke
(Project Mgr)

7/9/98 - WCR called Ron Litz

~~Need Tel. #s for LO's~~

Need ltr. of authorization for PR

~~Need info for rest of owners -~~

~~plot has more LO's listed than agenda~~

Ron will get info ASAP.

99-18-SPH

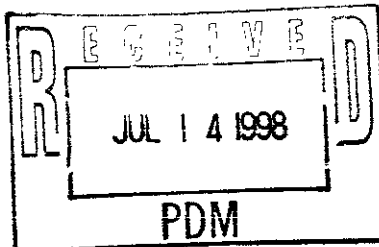
OBER, KALER, GRIMES & SHRIVER**A PROFESSIONAL CORPORATION****ATTORNEYS AT LAW****120 EAST BALTIMORE STREET****BALTIMORE, MARYLAND 21202****(410) 685-1120****CABLE "RITNEY"
TELEX 8-7774****OFFICES IN
WASHINGTON, DC
NEW YORK, NY
PARSIPPANY, NJ****FACSIMILE (410) 847-0600****FACSIMILE COVER SHEET**

TO: Ron Citro, Esq. Phone: 410 410
410 410
FACSIMILE NO: (410) 821-0147 499
6201
FROM: T.D. Washburne - (CAS)
RE: Symington - Timonium Road Ppty.
DATE: 7-14-98
TIME: 12:00
FILE NO: 017895/055487
NO. OF PAGES TO FOLLOW: 6

THIS MESSAGE SENT FROM A PANAFAX FACSIMILE WHICH SENDS AND RECEIVES AUTOMATICALLY WITH ALL GROUP CAPABILITY.
TO CONTACT OUR OPERATOR, PLEASE CALL (410) 685-1120 EXT. (1647)

Mr. Citro,

Following is copy of letters of Administration appointing Thomas D. Washburne as P.R. of the Estate of Montha F. Symington, and 5 pages of the Will evidencing appointment of Personal Representative and power to sell real estate. Call me if you need further information.



CAROL A. Simmons

*** IMPORTANT NOTICE ***

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

99-18-SPH

LAST WILL AND TESTAMENT

OF

MARTHA F. SYMINGTON

I, MARTHA F. SYMINGTON, of Baltimore County, Maryland, declare this to be my last will and testament. I revoke all previous wills and codicils.

SECTION 1. FUNERAL EXPENSES. I direct my personal representative to pay the expenses of my funeral, without an order of court.

SECTION 2. JEWELRY.

A. GIFT OF JEWELRY. I give all of my jewelry, together with all insurance policies on it, in equal shares to such of my grandsons, J. FIFE SYMINGTON, IV and SCOTT HAMBLETON SYMINGTON, who are living 30 days after my death, the then living descendants of a then deceased grandson to take per stirpes the share of the deceased grandson. However, I may leave a memorandum indicating my desires with respect to the disposition of some items. I request my personal representative and the members of my family to honor that memorandum.

B. DIVISION OF JEWELRY.

(1) If it is necessary for my personal representative to make division of any property covered by the provisions of this section, I request that he decide what items can

be practically and equitably divided and delivered to the legatees. Any items that the personal representative determines, in his sole discretion, are incapable of being practically and equitably divided and delivered to the legatees shall be sold, and the net proceeds of such sale shall be distributed in equal shares to such of my grandsons, J. FIFE SYMINGTON, IV and SCOTT HAMBLETON SYMINGTON, who are living 30 days after my death, the then living descendants of a then deceased grandson to take per stirpes the share of the deceased grandson. As to all other such items, I request my personal representative to make such division and distribution as nearly as possible in accordance with the wishes of the respective distributees, but any decisions as to the division made by my personal representative shall be final and binding upon all persons and subject to question by no one.

(2) If THOMAS D. WASHBURN is serving as a personal representative, and if there is a disagreement with respect to entitlement to any asset, then he shall have the sole and absolute right to make any decision with respect to division and delivery of the asset, and as to the manner of delivery and the person to whom delivery shall be made.

SECTION 3. DISPOSITION OF REAL PROPERTY.

A. ARIZONA RESIDENCE. I give my residence in Arizona, and all my tangible personal property located in such residence, except the paintings which are to be placed in trust under §4B

below, in equal shares to such of my grandsons, J. FIFE SYMINGTON, IV and SCOTT HAMBLETON SYMINGTON, who are living 30 days after my death, the then living descendants of a then deceased grandson to take per stirpes the share of the deceased grandson.

B. 11311 MAYS CHAPEL ROAD. I give my real property known as 11311 Mays Chapel Road in Timonium, Maryland in equal shares to such of CAROLINE JONES and STEVEN D.W. JONES as are living 30 days after my death, or all to the survivor.

C. BALANCE OF REAL PROPERTY. I direct my personal representative to sell the balance of any real property that I may own at my death, including any real property not effectively disposed of above. The net proceeds from any such sale shall be added to my residuary estate.

SECTION 4. TANGIBLE PERSONAL PROPERTY.

A. SPECIFIC GIFTS OF PAINTINGS. I give the following paintings to the following individuals provided in each case the individual named is living 30 days after my death.

(1) The painting of my daughter, Arabella Symington Dane, which is presently hanging in my bedroom, and the paintings of Arabella Symington Dane's children, to my daughter, ARABELLA SYMINGTON DANE, and if she is not then living, to her then living descendants, per stirpes.

its successor, shall designate an experienced practicing lawyer who is associated with a reputable law firm to so serve. I appoint as an individual trustee any person so designated.

B. RESIGNATION. A trustee may resign at any time by an instrument in writing. No accounting or court proceeding upon any change in trustees is required, unless specifically requested by a present or anticipated beneficiary or a present or successor trustee. No successor trustee is personally liable for any act or omission of any predecessor trustee. I excuse each trustee from giving bond.

SECTION 12. PERSONAL REPRESENTATIVES. I appoint THOMAS D. WASHBURN to be my personal representative. If he fails to qualify or ceases to act as such, or if at any time or times thereafter that position is vacant, then the partners of the law firm of Ober, Kaler, Grimes & Shriver, or its successor, shall designate an experienced practicing lawyer who is associated with a reputable law firm to so serve. I appoint any successor personal representative so designated. I excuse each personal representative from giving bond.

If by reason of my ownership of any property in any other state it is necessary for my personal representative to qualify in such state, or as ancillary or original executor or administrator with the will annexed, the individual serving as personal representative may qualify as such, or may designate one or more

E. MAKE BINDING DECISIONS WITH RESPECT TO DISCRETIONARY PAYMENTS. In making discretionary payments of income or principal to any person, to do so after taking into consideration, or without taking into consideration, as the trustee considers appropriate, any other income or financial resources reasonably available to the person. No creditors of any beneficiary, including any governmental agencies which may furnish services, payments, or benefits to a beneficiary, shall have any claim to any of the income or principal of my estate or any trust. All aspects of decisions with respect to discretionary payments of income and principal shall be made by the trustee in his absolute discretion and are binding on all persons.

F. MAKE CERTAIN DECISIONS WITHOUT PARTICIPATION OF INTERESTED TRUSTEE OR PERSONAL REPRESENTATIVE. No trustee may make any discretionary payment of income or principal from any trust if such payment would discharge a personal legal obligation of that trustee. No individual trustee or personal representative may participate in any decision with respect to any insurance policy on the life of the trustee or personal representative which may be a part of my estate or any trust unless there is only one trustee or one personal representative, as the case may be.

G. PAY INCOME AT TERMINATION OF TRUSTS. To pay any net income of any trust unpaid or accrued at the death of any trust beneficiary to the next succeeding beneficiary, without apportionment to the estate of the deceased beneficiary. If a trust is the successor, payment will be made to the income beneficiary and not to its trustee.

H. ADMINISTER WITHOUT COURT SUPERVISION. To administer all trusts without court supervision. If it becomes advisable to apply to a court for any purpose, the trustee shall request the court to take jurisdiction of the specific matter only and not of any trust as a whole.

EXECUTED on July 20, 1994.



MARTHA F. SYMINGTON

(SEAL)



State of Maryland
LETTERS OF ADMINISTRATION

Estate No.

I certify that administration of the Estate of

Martha F. Symington

was granted on the 27TH day of NOVEMBER, 1996,


to **Thomas D. Washburne**

as personal representative and the appointment is in effect

this 27TH day of NOVEMBER, 1996.

☒ Will probated November 27, 1996

☐ Intestate estate.


Register of Wills
BALTIMORE COUNTY

HWS

VALID ONLY IF SEALED WITH THE SEAL OF THE COURT OR THE REGISTER

